



#10
7/27/03
Jew

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Falder *et al.*

Serial No. 10/039,677

Filed: January 4, 2002

For: Anti-Microbial Composition

RECEIVED

Group Art Unit: 1616

JUL 25 2003

Examiner: Alton N. Pryor

Our Ref: 16644/09005

TECH CENTER 1600/2900

Deposit Acct. No. 50-2548

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT FOR ELECTION OF SPECIES

This is filed in response to the requirement for election of species in the Office Action dated March 21, 2003, and is believed to address each issue that was raised in that Action. In addition, the present response is being submitted with the required three-month extension of time request under 37 C.F.R. § 1.136(a) to extend the period of response to July 21, 2003. If any further extension of time or additional fees for the accompanying response are required, applicant requests that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fees, which may be required to Deposit Account 50-2548.

In response to the requirement for the election of species, the Applicant hereby elects benzenethanaminium N-dodecyl-N,N-dimethylchloride as the first compound. The Applicant hereby elects polydimethylhydroxysiloxane as the second compound.

The Applicant hereby elects 2-phenyl phenol as the first anti-microbial agent and isopropanol as the polar solvent compound. Applicants' election of species is made herein without prejudice to prosecute any other species of the present application as deemed necessary.

In light of the species elected herein by the Applicant, the claims readable thereon are claims 1, 46-62, 70, 71, and 78-103.

In summary, in view of the foregoing election of species, we respectfully submit that all of the pending claims are patentably distinct over the references cited by the Examiner and meet all other statutory requirements. We believe that the present Application is now in complete condition for allowance and, therefore, respectfully request the Examiner to allow this Application. We invite the Examiner to telephone the undersigned should any issues remain after the consideration of this response. Please charge any additional fees that may be required to Deposit Account No. 50-2548.

Respectfully requested,

NELSON MULLINS RILEY & SCARBOROUGH


Robert S. Thomas
Registration No. 52,284

Keenan Building, Third Floor
1330 Lady Street
Columbia, SC 29201
Phone: (864) 250-2298
Fax: (803) 250-2394

July 21, 2003
Date